

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

JIMMY HOWARD MALONEY,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

Defendant.

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NO.: 2:11-CV-341

ORDER

This Social Security matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated October 5, 2012. In that Report and Recommendation, the Magistrate Judge recommends that the plaintiff's motion for summary judgment, [Doc. 9], be granted. The magistrate judge also recommends that defendant's motion for summary judgment, [Doc. 10], be denied. Neither party has filed objections to this recommendation.

Thus, after careful consideration of the record as a whole, including the Administrative Transcript, and after careful consideration of the Report and Recommendation of the United States Magistrate Judge, and for the reasons set out in that Report and Recommendation which are incorporated by reference herein, it is hereby ORDERED that this Report and Recommendation is ADOPTED and APPROVED, [Doc. 12], that the plaintiff's motion for summary judgment, [Doc. 9], is GRANTED and that defendant's motion for summary judgment,

[Doc. 10], is DENIED. It is further ORDERED that this case is REMANDED to the Commissioner for further proceedings beyond Step 2 of the evaluation process.

E N T E R:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE